

From: Charles S Oakes
To: Microsoft ATR
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Subject: embarrassing settlement

count my vote AGAINST the DOJ's "slap on the wrist" settlement with Microsoft. Your e-mail address was provided at: <http://www.luskinreport.com/> along with Mr. Luskin's own pro-settlement message which I suspect is self-serving in spite of his claims to the contrary. Mr. Luskin's argues that "...we should applaud America's successful companies and allow them to innovate and to grow, rather than hold them back by pursuing regulatory actions born of the concerns of a century ago and dressed up in New Economy lingo, and motivated by the self-interested pleadings of competitors." This begs the question of why Standard Oil broken up? It also assumes that Microsoft is an innovator which it certainly is not, e.g. spreadsheet programs and web browsers both evolved from a freeware packages, MS was a late comer to the GUI and mouse, PowerPoint was formerly a successful product of an independent company, and MS Word started as a primarily Mac product because it initially couldnt compete with programs such as WordPerfect and WordStar on PCs (wonders what proprietary knowledge of the underlying OS can do) and then MS threatened Apple with discontinuing MS Office if Apple didnt do things the MS way.

Microsoft's products are frequently not superior and a competitive and open market would pass judgement; however, the tying of an OS with accessory software products combined with Microsoft's strong-arm marketing tactics on hardware distributors has allowed them to circumvent consumer based marketing controls. DOJ's proposed settlement will send MS merrily on their way to continue doing what they've been doing for nearly a decade - buying smaller competitors or forcing them out of the market or into niche positions which will probably ultimately fail. Only a group of humans with incredibly impaired judgement or no experience with a wide variety of computing OSs and software packages would argue that the 'choices' provided by Microsoft are generally superior. When you have no choice but theirs is a bad time to wake up and argue that you're suddenly paying more than you were previously to accomplish a task which was formerly cheaper and more efficient.

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